

application. In the event that these "considerations" were not intended to be rejections or different rejections were intended, the Applicant respectfully requests that the Examiner clearly and concisely state, in a non-final office action, the specific rejections, including the references and sections of 35 U.S.C., under which claims 10, 11, and 18 stand rejected.

3. Claim 5 was rejected under 35 U.S.C. §112, second paragraph. Claim 5 as filed herein is in compliance with 35 U.S.C. §112, second paragraph.

4. Claims 12 and 17 were rejected under 35 U.S.C. §102(b) in view of Tanaka. Prior to discussing the merits of the Examiner's position, the applicant believes it would be helpful to first briefly describe and characterize the Tanaka reference.

#### THE TANAKA REFERENCE

As stated in Tanaka:

It is an object of the present invention to provide communication control method and an information transmission system for collectively transmitting and collecting information without individually sending the information of the same content to a plurality of communication control units when the same information is to be collectively sent to or collected by the plurality of communication control units [Column 3, lines 13-20].

In order to achieve the above object, the information transmission system of the present invention comprises a bus type communication network which has an information transmission path for transmitting control information and at least two communication control units which communicate with each other through the information transmission path [Column 3, lines 21-28].

Tanaka therefore describes a system that utilizes a computer bus to broadcast a message to multiple units, through use of addressing and a protocol that Tanaka sets forth. Tanaka sets forth data formats and address formats used in sending data to particular types of devices, either individually or via broadcast messaging. Tanaka does not teach or suggest that a data service message includes a request for data, as described in independent claims 12 and 17. Further, Tanaka does not teach or suggest that a data service message is generated by a subscriber unit, as Tanaka's messages appear to be generated in the host computer, which is not a subscriber unit.

Furthermore, claims 13 and 18 are dependent upon an independent claim that is shown to be allowable. Thus, the dependent claims are themselves allowable.

5. Claims 1, 2, 4-6, 8, and 13-15 were rejected under 35 U.S.C. §103(a) given Tanaka in view of Fox. Prior to discussing the merits of the Examiner's position, the applicant believes it would be helpful to first briefly describe and characterize the Fox reference.

#### THE FOX REFERENCE

As stated in Fox:

According to the invention, in a local network connected to other networks which employ and Internet Protocol and wherein the local network includes nodes which cannot monitor all other nodes connected to the local network, an Internet Protocol address of a target node connected to the local network is translated at a gateway node to a network specific local address of the target node ***without the use of broadcasting*** [Column 4, lines 25-32, emphasis added].

Target node 18 is aware of its own IP address and its own network specific local address usable for forwarding a packet over local network 20 [Column 6, lines 2-4].

FIG. 5 is a flowchart illustrating steps of a packet forwarding method according to the invention. By this method, a packet may be forwarded from source node 8, connected to originating local network 12, to target node 18 connected to destination local network 20. A record containing the network specific local address and IP address of target node 18 is created and stored at gateway node 14 according to one of the inventive address translation method depicted in FIGS. 3 and 4 [Column 6, lines 59-67].

Fox therefore describes a system that forwards packets of information through a gateway by using IP addresses and address translation methods set forth by Fox. The Examiner appears to suggest that Fox's target node is the same as a subscriber unit. Independent claims 1, 8, and 14 state that the data service message send by the subscriber unit include an identity of the subscriber unit and identity of a targeted host, in other words, the subscriber unit includes its own address and the identity of a targeted host, which is not the same as the subscriber. Since Fox describes that the targeted node exchanges only its own addresses (IP and network specific local from column 6, as shown above) with the gateway node in order to allow the targeted node and the gateway node to communicate, Fox's targeted

node does not meet the limitations set forth for a subscriber unit in independent claims 1, 8, and 14 that state that the subscriber unit's identity *and* that of a targeted host are sent to the gateway. Further, as Fox teaches away from broadcasting (as shown in column 4 as set forth above), combining Fox and Tanaka would not yield the invention as claimed, nor would one of skill in the art be motivated to combine these references. Hence, the applicant respectfully submits that independent claims 1, 8, and 14 may be passed to allowance.

The Examiner cites FIG. 7 and column 6, lines 52-67 of Tanaka as teaching the limitations of dependent claim 2. As set forth in Tanaka:

The communication control units 1, 2 and 3 store the slave addresses to be received and processed in the memories 11, 21 and 31, respectively. [Column 6, lines 52-54].

When the communication control unit 1 is to broadcast to the communication control units 2 and 3 having the same service group address, the communication control unit 1 generates the information message having the codes of the master address "1E0 (HEX)" and the slave address "9FF (HEX)" by the controller 12, and sends the start bit, master address, parity bit thereof, slave address and parity bit thereof from the communication controller 10 to the communication control units 2 and 3 through the information transmission line 4, as shown in FIG. 4 [Column 7, lines 1-11].

Tanaka therefore teaches *storing* of all the addresses, but sends only a master address and a slave address in Tanaka's information message, and thus does not send an identity of all targeted hosts. Fox makes no teachings on this issue. Dependent claim 2 states that the *data service message* further includes an identity of *all targeted hosts* operably coupled to a communication system to which the group of subscriber units is affiliated. Thus, the combination of Tanaka and Fox fails to teach the subject matter of claim 2.

Dependent claim 5 requires that the data service message includes a data request that requests data from the targeted host. It is known in the art that data requests request data, not just a communication channel (a channel request, such as an inbound signalling word (ISW) requests a channel). The Examiner sites Fox, Column 7, lines 1-18 as teaching a data request. Consistent with Fox's teachings of a packet forwarding method, this section of Fox teaches how a source node 8 forwards a packet across the blocks of FIG. 2, i.e., from the source node 8 through blocks 12, 10, 16, 14, and 20 to the target node 18. This process is not a request for data, but the rather the actual provision of the data. As stated above, Tanaka

does not teach data requests. Thus, the combination of Tanaka and Fox fails to teach data requests, and also fails to teach that a data service message includes a data request, as described in claim 5.

Furthermore, claims 2, 4-6, 10, 11, 13, 15, and 18 are dependent upon an independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

6. Claims 19-26 were rejected under 35 U.S.C. §103(a) given Fox in view of Uppaluru. The Examiner cites the following excerpt from Fox as teaching all of claim 19, except that the requested data is forwarded via a communication resource that is supporting the audio call.

The gateway node M thus determines the MAC address of the target node N using the ARP as follows. The gateway node M broadcasts over the LAN 4 an inquiry message containing the IP address of the target node N. The target node N then responds with a reply message containing as a matched pair both its own MAC address and its own IP address. The gateway node M stores the paired MAC address and IP address in a local routing table at the gateway node M. The packet may then be forwarded to the target node N by including the MAC address in a header of the packet. Packets received at the gateway node and addressed to the IP address of the target node are henceforth forwarded using the MAC address sorted in the local routing table at the gateway node [Column 2, lines 24-36].

Fox describes the storage of local (MAC) and IP addresses by gateway nodes to assist in finding a target node. When a gateway node is unaware of the local (MAC) address of a host node sends a message to other nodes looking for that local address (column 2, lines 16-20), by taking advantage of the Address Resolution Protocol as described in the above paragraph from Fox. Thus, Fox teaches that a gateway node requests a *local address* in order to forward a message to that address. Independent claim 19 describes receiving a request for data from a server, where the request for data comes from a communication unit *participating in an audio call*. Fox does not teach or suggest that an audio call is taking place, nor that a request for data takes place. Fox describes the routing of data, as sent in the network, but does not teach or suggest data requests nor data requests made by a communication unit participating in an audio call. Fox does not teach or suggest that either source nodes or data nodes participate in audio calls. Uppaluru makes no such teaching nor is Uppaluru relied on for such teachings. Thus, combining Uppaluru and Fox fails to teach or suggest receiving, from a

communication unit participating in an audio call with at least one other communication unit, a request for data from a server, as described in independent claim 19.

Fox teaches that a gateway is an address translator during one-way forwarding of data, i.e., source node 8 sends data to target node 18 via one or more gateway nodes. The gateway, B, obtains a local address and forwards a message, X, from a source node, A, to an intended target node, C, i.e., message X goes from point A to point B to point C. The present invention claims, that a gateway, B, receives a request, Y, from a requestor, C, forwards it to a server, A, receives the requested data, X, then forwards the requested data to the requestor, C, i.e., message Y goes from point C to point B to point A **and** X goes from point A to point B to point C, or a two-way process. Assuming for the sake of argument that Fox's process of forwarding message X from point A to point B to point C is the same as the forwarding by the present invention, Fox fails to teach *half* of the path where request message Y goes from point C to point B to point A. Uppaluru is not relied on nor does Uppaluru provide such teachings. Thus, combining Uppaluru and Fox fails to teach or suggest receiving, from a communication unit participating in an audio call with at least one other communication unit, a request for data from a server and forwarding, to the server, the request for data, as described in independent claim 19.

Further, as the Examiner points out, Fox fails to provide the data to the requestor on a communication resource that is supporting the audio call, as described in independent claim 19. The Examiner relies on the Uppaluru reference for such teachings. Prior to discussing the merits of the Examiner's position, the applicant believes it would be helpful to first briefly describe and characterize the Uppaluru reference.

#### THE UPPALURU REFERENCE

As stated in Uppaluru:

In general, embodiments described below feature a global call center system capable of answering, servicing, queuing and routing of calls at local points of presence to reduce communications costs and enhance operational efficiency for toll-free inbound call centers. In at least one embodiment, the global call center system includes a set of point-of-presence call center gateways distributed at points of presence close to the point of call origination that are interconnected by a virtual private network to premises call center gateways at business locations where the call centers reside [Column 2, lines 32-42].

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Uppaluru therefore describes a system that provides for various advanced calling services and routing of toll-free wireline audio calls, as shown in FIG. 3. Uppaluru does not teach or suggest that requested data is forwarded on communication resources that support an audio call, nor requests for data. Because Uppaluru teaches audio calls and Fox teaches data transmission, combining these references does not teach or suggest the ability to forward data on resources that support audio calls. Such a combination requires further teaching to yield the invention as claimed, and such teachings have not been set forth in any of the cited references, but rather such teachings are found in the present application. Thus, neither Fox, Uppaluru, nor their combination teaches or suggests the subject matter of claim 19.

With respect to dependent claim 27, neither Fox nor Uppaluru teaches or suggests group data broadcast.

Thus, the claims of the present invention are not taught or suggested by Uppaluru and/or Fox. Combining these references fails to teach or yield the invention as claimed. The Examiner has fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed. Further, one of skill in the art would not be motivated to make such a combination because these references fail to yield the claimed invention even if combined. Therefore, the present invention is not obvious in light of any combination of Uppaluru and/or Fox.

Furthermore, claims 20-27 are dependent upon an independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

5. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-27 is hereby respectfully requested.

Respectfully submitted,

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